

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRETT CHRISTIAN, FIREARMS POLICY COALITION,
INC., and SECOND AMENDMENT FOUNDATION

Plaintiffs,

v.

STEVEN A. NIGRELLI, in his official capacity as
Superintendent of the New York State Police, and JOHN J.
FLYNN, in his official capacity as District Attorney for the
County of Erie,

Defendants.

No. 22-cv-00695 (JLS)

DECLARATION OF RYAN L. BELKA

RYAN L. BELKA, declares under penalty of perjury that the following is true and correct:

1. I am an Assistant Attorney General, of counsel to Letitia James, New York State Attorney General, and with my co-counsel James Thompson, I represent Defendant Steven A. Nigrelli, in his official capacity as Superintendent of the New York State Police (“Superintendent Nigrelli”), in this action.

2. I make this declaration in support of Defendant’s Memorandum of Law in Opposition to Plaintiff’s Motion for a Preliminary Injunction.

Private Property

3. Attached as **Exhibit 1** is an excerpt from the 1715 Session Laws of Maryland containing an April, 1715 “Act for the speedy trial of criminals, and ascertaining their punishment in the county courts when prosecuted there, and for the payment of fees due from criminal persons” criminalizing, in pertinent part, ““if any person or persons whatsoever, that have been convicted

of [certain crimes], or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person's land, whereon there shall be a seated plantation, without the owner's leave, having been once before warned, shall forfeit and pay one thousand pounds of tobacco" 1715 Md. Laws 90

4. Attached as **Exhibit 2** is an excerpt from 3 The Statutes at Large of Pennsylvania from 1682 to 1801 (James T. Mitchell, et al., eds.), containing an August 26, 1721 "Act to prevent the killing of deer out of season, and against carrying of guns or hunting by persons not qualified. James T. Mitchell et al., Statutes at Large of Pennsylvania from 1682 to 1801 vol III, p. 254-55 (Clarence M. Busch, Printer, 1896).

5. Lesser penalties were provided for "any person whatsoever who is not owner of fifty acres of land and otherwise qualified [to vote for Pennsylvania Assembly]" who "shall . . . carry any gun, or hunt in the woods or unenclosed lands, without license or permission obtained from the owner or owners of such lands." Id. at 256.

6. Attached as **Exhibit 3** is an excerpt from the 1741 Session Laws of New Jersey, containing an "Act to prevent the Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not Qualified," dated 1722. 1741 N.J. Laws 101 "[I]f any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt on the improved or inclosed Lands in any Plantation, other than his own, unless he have License of Permission from the Owner of such Lands or Plantation."

7. There was a lesser fin "if any person who is not [a large property owner qualified to vote for the New Jersey General Assembly] shall at any time after the Publication hereof, carry any Gun, or hunt in the Woods or unenclosed Lands, without License or Permission obtained from the Owner or Owners of such Lands." Id. If the fine was not paid, offending

persons could have their property seized or be “committed to Prison.” Id.

8. Attached as **Exhibit 4** is an excerpt from the Laws of New-York From the Year 1691, to 1773 inclusive (Hugh Gaine, ed. 1774), containing an act establishing a “[p]entalty for entering with Fire-Arms into any inclosed land within this City or its Liberties.” 2 Laws of New-York from The Year 1691, to 1773, inclusive, 441-42 (Hugh Gaine, ed. 1774).

9. The 1763 New York criminal statute established that “if any Person or Persons whatsoever, other than the Owner, Proprietor, or Possessor, or his or her white Servant or Servants, do and shallcarry, shoot, or discharge any Musket, Fowling-Piece, or other Fire-arm whatsoever, into, upon, or through any Orchard, Garden, Corn-Field, or other inclosed Land whatever, within the City of New-York, or the Liberties thereof, without License in Writing first had and obtained for that Purpose from such Owner, Proprietor, or Possessor” Id.

10. Attached as **Exhibit 5** is an excerpt from the 1771 Session Laws of New Jersey, containing a December 21, 1771 “Act for the Preservation of Deer and other Game, and to prevent trespassing with Guns.” 1771 N.J. Laws 344

11. The 1771 New Jersey law provided for penalties if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Possession, unless he hath License or Permission in writing from the Owner or Owners or legal Possessor.” Id.

12. Attached as **Exhibit 6** is an excerpt from the 1865 Session Laws of Louisiana (Extra Session), containing “An Act To prevent the carrying of fire-arms on premises or plantations of any citizen, without the consent of the owner.” 1865 La. Extra Acts 14-17.

13. The 1865 Louisiana law forbade “any person or persons to carry fire-arms on the premises or plantations of any citizen, without the consent of the owner or proprietor, other than in lawful discharge of a civil or military order.” Id.

14. Attached as **Exhibit 7** is an excerpt from George Paschal, ed. 4 Digest of the Laws of Texas Containing the Laws in Force, and the Repaled Laws on Which Rights Rest, 1754 to 1875, containing a November 6, 1866 “Act to Prohibit the Carrying of Firearms on Premises or Plantations of any Citizen Without the Consent of the Owner.” George Paschal, ed., 4 Digest of the Laws of Texas Containing the Laws in Force, and the Repealed Laws on Which Rights Rest, from 1754 to 1875.

15. The 1866 Texas law provided that “[it] shall not be lawful for any person or persons to carry firearms on the inclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of civil or military duty,” with violations punished by fines or “imprisonment in the county jail.” Id.

16. Attached as **Exhibit 8** is an excerpt from the 1893 Session Laws of Oregon, containing a February 20, 1893 Act “To Prevent a Person from Trespassing upon any Enclosed Premises or Lands not His Own Being Armed with a Gun, Piston, or other Firearm, and to Prevent Shooting upon or from the Public Highway.” 1893 Or. Laws 79

17. The 1893 Oregon law provided that “[i]t shall be unlawful for any person, other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof.” Id.

18. Attached as **Exhibit 9** is an excerpt from the 1869-70 Session Laws of Tennessee, containing “An Act to Amend the Criminal laws of the State.” 1869-70 Tenn. Pub. Acts 23

19. The 1869-70 Tennessee law is part of a significant body of statutory and case law prohibiting armed carriage on private property where the public gathers in large numbers. (e.g. “fair, race course, or other public assembly of the people”) Id.

20. Attached as **Exhibit 10** is an excerpt from the 1870 Session Laws of Texas, containing “An Act Regulating the Right to Keep and Bear Arms.” 1870 Tex. Gen. Laws 63

21. The 1870 Texas law prohibited firearms at “a ball room, social party or other social gathering composed of ladies and gentlemen.” Id.

22. Attached as **Exhibit 11** is an excerpt from the 1890 Statutes of Oklahoma, containing articles on “Concealed Weapons.” 1890 Okla. Stat. 495-96

23. The 1890 Oklahoma law prohibited firearms at “any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering.” Id.

Public Parks

24. Attached as **Exhibit 12** is an excerpt from the 1861 Fourth Annual Report of the Board of Commissioners of the Central Park (Jan. 1861)

25. The 1861 New York law mandates that when entering Central Park “All persons are forbidden . . . [t]o carry firearms.” Id.

26. Attached as **Exhibit 13** is an excerpt from the 1869 First Annual Report of the Commissioners of Fairmount Park, Philadelphia, Pennsylvania. Supplement § 21(II) (1869)

27. The 1869 Pennsylvania state statute requires that “[n]o persons shall carry firearms, or shoot birds in the Park, or within fifty yards thereof.” Id.

28. Attached as **Exhibit 14** is an excerpt from the 1888 Rules and Regulations of the Public Parks and Grounds of the City of Saint Paul.

29. The 1888 Minnesota law designates that “No person shall carry firearms or shoot birds in any Park or within fifty yards thereof.”

30. Attached as **Exhibit 15** is an excerpt from the 1895 Mich. Pub. Acts 596.

31. The 1895 Michigan law requires that “No person shall fire or discharge any gun or pistol or carry firearms” within Detroit’s Belle Isle Park.”

32. Attached as **Exhibit 16** is an ordinance stating that “[a]ll persons are forbidden to carry firearms... within any one of the public parks” in the City of Chicago, taken from The Municipal Code of Chicago (Egbert Jamison and Francis Adams, eds, 1881).

33. Attached as **Exhibit 17** is an ordinance forbidding anyone to “[c]arry or discharge firearms” in Liberty Park, taken from an 1888 edition of The Revised Ordinances of Salt Lake City.

34. Attached as **Exhibit 18** is an ordinance forbidding anyone “[t]o carry firearms” within Tower Grove Park in St. Louis, taken from David H. MacAdam, Tower Grove Park of the City of St. Louis. (1883)

35. Attached as **Exhibit 19** is a Pittsburg ordinance stating that “[n]o person shall be allowed to carry firearms... within the limits of the parks or within one hundred yards thereof,” taken from W.W. Thomson, ed., A Digest of the Acts of Assembly Relating to, and the General Ordinances of the City of Pittsburgh From 1804 to Jan. 1, 1897. (2d ed 1897)

36. Attached as **Exhibit 20** is an 1891 Williamsport, Pennsylvania law that required “No person shall carry fire-arms... within the Park.” Laws and Ordinances for the Government of the Municipal Corporation of the City of Williamsport, Pennsylvania 141 (1891)

37. Attached as **Exhibit 21** is an 1881 St. Louis, Missouri law that required “No person shall... use or have in his possession ready for use in any... park of the city of St. Louis... any

device that discharges a ‘fragment, bolt, arrow, pellet, or other missile.’” The Revised Ordinance of the City of St. Louis (1881)

38. Attached as **Exhibit 22** is an 1893 Wilmington, Delaware law that required “No person shall carry fire-arms... within the Park...” The Charter of the City of Wilmington, Part VII, § 7 (1893)

39. Attached as **Exhibit 23** is an 1897 Reading, Pennsylvania law that required “No person shall carry firearms, or shoot in the common, or within fifty yards thereof...” A Digest of the Laws and Ordinances for the Government of the Municipal Corporation of the City of Reading, Pennsylvania, 240 (1897)

40. Attached as **Exhibit 24** is an 1899 Boulder, Colorado law that required “prohibiting the carrying of firearms into ‘any of the parks belonging to the City of Boulder.’” A Revised Ordinances of the City of Boulder, 157 (1899)

41. Attached as **Exhibit 25** is an 1903 Trenton, New Jersey law that required “No personal shall carry firearms... in said park or squares, or within fifty years thereof...” City of Trenton, New Jersey, Charter and Ordinances, 390 (1903)

42. Attached as **Exhibit 26** is an 1905 Chicago, Illinois law that required “All persons are forbidden to carry firearms... within any of the Parks... of the City.” Amendments to the Revised Municipal Code of Chicago of 1905 and New General Ordinances, 40 (1905)

43. Attached as **Exhibit 27** is an 1905 Minnesota law “prohibiting firearms withing parks or within ‘one-half mile of the outer limits’ of a park, unless the firearms is unloaded and has been sealed by the park commissioner.” Minn. Laws 620, Ch. 344, § 53

44. Attached as **Exhibit 28** is an 1906 Phoenixville, Arizona law that requires “No person shall carry fire-arms... therein [Reeves Park].” A Digest of the Ordinances of the Town

Council of the Borough of Phoenixville, 135 (1906)

45. Attached as **Exhibit 29** is an 1910 Staunton, Virginia law that mandates “All persons are forbidden... to carry firearms... within [the park].” The Code of the City of Staunton, Virginia, 115 (1910)

46. Attached as **Exhibit 30** is an 1916 New York, New York law that requires “No personal shall, in any park... fire or carry any firearm.” Ordinances, Rules and Regulations of the Department of Parks of the City of New York, 7 (1916)

47. Attached as **Exhibit 31** is an 1917 Birmingham, Alabama law that requires (“No person shall carry firearms... within any of such public parks.” The Code of the City of Birmingham, Alabama, 662 (1917)

48. Attached as **Exhibit 32** is an 1917 Wisconsin law that required no person shall “have in his possession or under his control therein any gun or rifle [unless unloaded and stored] while in any “state park.” 1917 Wis. Sess. Laws 1243-44, Ch. 668, § 3 (29.57)(4)

49. Attached as **Exhibit 33** is an 1921 North Carolina law that prohibits the carrying of a firearm in any park... unless written permission had been obtained from the manager of said park. 1921 N.C. Sess. Laws 54, Pub. Laws Extra Sess., Ch. 6, § 3.

50. Attached as **Exhibit 34** is “Firearms Regulations in the National Parks 1897-1936” excerpting historical firearms regulations in National Parks between 1897 and 1936.

51. Firearms have been prohibited in many of our national parks from the time of their foundation.¹ Id.

52. Attached as **Exhibit 35** is an 1936 Federal Register prohibiting firearms in

¹ While some national parks existed prior to 1916 (e.g. first national park, Yellowstone, was established in 1872) the National Parks Service was not established until 1916.
https://www.nps.gov/parkhistory/hisnps/nps/history/timeline_annotated.htm

national parks and monuments “except upon written permission of the superintendent or custodian.” 1 Fed. Reg. 668, 674 (June 27, 1936)

53. Attached as **Exhibit 36** is an 1858 New York, New York law “ordain[ing] by the Commissioners of the Central Park [that] All persons are forbidden... to carry fire-arms... within it.” Excerpt from the Fourth Annual Report of the Board of Commissioners of the Central Park, dated January 1861.

54. Attached as **Exhibit 37** is an 1868 Philadelphia, Pennsylvania law that requires that “no person shall carry firearms... in [Fairmount Park], or within fifty yards thereof.” Excerpt from the First Annual Report of the Commissioners of Fairmont Park, dated 1869.

55. Attached as **Exhibit 38** is an 1875 Hyde Park, Illinois law that mandates “all persons are forbidden to carry fire arms... within [South Park].” Charter and General Laws of the Village of Hyde Park, South Park Ordinances, 310 (1876).

56. Attached as **Exhibit 39** is an 1881 Chicago, Illinois law that requires that “all persons are forbidden to carry firearms... within any one of the public parks.” Municipal Code of Chicago, 391-92 (1881).

57. Attached as **Exhibit 40** is an 1883 Danville, Illinois law that requires that “whosoever shall carry any fire-arms into said parks... shall be fined not less than one dollar nor more than one hundred dollars, for each offense.” Ordinances of the City of Danville, 83 (1883).

58. Attached as **Exhibit 41** is an 1891 Grand Rapids, Michigan law stating that “no person shall... carry any rifle, gun, or other fire arm of any kind within any park of the City of Grand Rapids.” Compiled Ordinance of the City of Grand Rapids, 163 (1906).

59. Attached as **Exhibit 42** is an 1891 Lynn, Massachusetts law that requires that “within the limits of Lynn Woods, except with the prior consent of the Board, it is forbidden...

to... carry firearms.” Ordinance by Board of Park Commissioners of the City of Lynn, 23.

60. Attached as **Exhibit 43** is an 1891 Springfield, Massachusetts law that requires that “within the Public Parks, expect with prior consent of the Board, it is forbidden... to... carry firearms.” Park Ordinances, § 3 (1891).

61. Attached as **Exhibit 44** is an 1892 Peoria, Illinois law that requires that “all persons are forbidden to carry fire arms... within any of the public parks, public squares, or public grounds, within said city.” Laws and Ordinances of the City of Peoria, 667-68 (1892).

62. Attached as **Exhibit 45** is an 1892 Spokane, Washington law that requires that “all persons are forbidden to carry fire arms... within any one of the public parks or other public grounds of the city.” Municipal Code of City of Spokane, 123 (1903).

63. Attached as **Exhibit 46** is an 1893 Pittsburg, Pennsylvania law that requires that “no person shall be allowed to carry firearms... within the limits of the parks or within one hundred yards thereof. Ordinances-Executive Departments, 492 (1893).

64. Attached as **Exhibit 47** is an 1894 St. Paul, Minnesota law that requires “no person shall carry firearms... in any park, or within fifty (50) yards thereof.” General Ordinances of the City of St. Paul, § 680 (1895).

65. Attached as **Exhibit 48** is an 1895 Canton, Illinois law that requires that “all persons are forbidden to carry firearms... within any one of these Public Parks.” Revised Ordinances City of Canton, 240 (1895).

66. Attached as **Exhibit 49** is an 1896 Indianapolis, Indiana law that requires that “no person shall... have possession of any fire-arm within the limits of any public park.” General Ordinances of the City of Indianapolis, 648 (1904).

67. Attached as **Exhibit 50** is an 1898 Wilmington, Delaware law that requires that

“no person shall carry firearms... within the boundaries of the Park.” Park Regulations, 28 (1898).

68. Attached as **Exhibit 51** is an 1902 Hartford, Connecticut law that states “The Board of Park Commissioners... hereby make and ordain the following rules and regulations for the management of the parks owned by or under control of the city of Hartford. ... It is forbidden... to... carry firearms.” Municipal Register of the City of Hartford, 493 (1907).

69. Attached as **Exhibit 52** is an 1902 New Bedford, Massachusetts law that states “within the public parks and commons of the city, except with prior consent of the Commissioners, all persons are hereby forbidden... to... carry firearms.” Ninth Annual Report of the Department of Parks of the City of New Bedford, 74 (1902).

70. Attached as **Exhibit 53** is an 1903 Lowell, Massachusetts law that states “within the Public Parks and Commons, except by and with the consent of the Board... it is forbidden to... carry firearms.” First Annual Report of the Board of Park Commissioners of the City of Lowell, 58 (1904).

71. Attached as **Exhibit 54** is an 1903 New York, New York law that states “no one shall... carry any firearm, fire cracker, torpedo or fire-works... within any of the parks, parkways, squares or places in The City of New York under the jurisdiction of the Department of Parks without special permission from the Commissioner having jurisdiction.”

72. Attached as **Exhibit 55** is an 1903 Troy, New York law that requires “all persons are forbidden... to carry... firearms... in the parks.” Municipal Ordinances of the City of Troy, 375 (1905).

73. Attached as **Exhibit 56** is an 1904 Houston, Texas law that states that “it shall be unlawful for an person or persons within a public park and commons of this city to do any of the

following acts, vis:... to discharge or carry firearms”; exception for “workman in the legitimate discharge of their respective duties.” Revised Code of Ordinances of the City of Houston, 358 (1904).

74. Attached as **Exhibit 57** is an 1904 Neigh, Nebraska law that states that “if any person shall carry... any firearm or gun of any description in any public park belonging to the city of Neligh, such person shall on conviction thereof, be fined in any sum not exceeding \$25” Ordinances of the City of Neligh, Nebraska, 37 (1906).

75. Attached as **Exhibit 58** is an 1904 Pueblo, Colorado law that states that “for the purpose of governing and regulating the use of the parks and of park property within the city of Pueblo, the following rules... are... adopted... 20. No person shall... carry firearms.” Ordinances of the City of Pueblo, 386 (1908).

76. Attached as **Exhibit 59** is an 1905 Harrisburg, Pennsylvania law that states that “no person shall commit any of the following acts within said park or parkways, without the previously obtained consent of the commission:... 8. Carry any... firearms... within reservoir park.” Laws and Ordinances for the City of Harrisburg, 468 (1906).

77. Attached as **Exhibit 60** is an 1905 Haverhill, Massachusetts law states that states that “it is forbidden... to... carry firearms... within the parks.” Rules and Regulations Governing the Public Parks within the City of Haverhill, 12 (1905).

78. Attached as **Exhibit 61** is an 1905 Saginaw, Michigan law that mandated “no person shall fire or discharge any gun or pistol, or carry firearms, or throw stones or other missiles within the park boulevards, nor shall any person fire, discharge or set off any rocket, cracker, torpedo, squib or other firework, or things containing any substance of any explosive character on said park or boulevard without the consent of said commissioners, and then only

under such regulations as they shall prescribe. Charter of the City of Saginaw, Michigan, 171 (1905).

79. Attached as **Exhibit 62** is an 1906 Denver, Colorado law that mandates that “all persons are forbidden... to carry... firearms... in the parks.” Municipal Code of the City and County of Denver, 479 (1906).

80. Attached as **Exhibit 63** is an 1906 Los Angeles, California law that states that “the rules and regulations hereinafter prescribed shall govern the public parks of the City of Los Angeles. ... That within the limits of any said parks, it shall be unlawful for any person or persons to do any of the acts hereinafter specified, to-wit:... To carry... any fire arms,... or air gun or slungshot.” Penal Ordinances of the City of Los Angeles, 42 (1921).

81. Attached as **Exhibit 64** is an 1907 Olean, New York law that mandates “no person shall... carry any firearms in any park.” Ordinances of the City of Olean, 26 (1922).

82. Attached as **Exhibit 65** is an 1907 Seattle, Washington law that states that “it shall be unlawful... to carry any fire-arm in any park.” Ordinances of the City of Seattle, 221 (1907).

83. Attached as **Exhibit 66** is an 1909 Kansas City, Missouri law that states that “no person shall... carry fire-arms... within any park, boulevard, avenue, street, parkway, or driveway of this city under the control and supervision of the Board of Park Commissioners, except upon a permit first duly obtained or authority previously granted by said Board and subject to such rules and regulations as said Board may establish.” Charter and Revised Ordinances of Kansas City, 846 (1909)

84. Attached as **Exhibit 67** is an 1909 Memphis, Tennessee law that states that “It shall be a misdemeanor... to commit the following acts... 13. To... carry any firearms... within

any of the parks, parkways, squares or places without special permission from the Commissioners.” A Digest of the Laws, Ordinances and Contracts of the City of Memphis, 13 (1909)

85. Attached as **Exhibit 68** is an 1909 Paducah, Kentucky law that mandates that “no person shall... carry fire-arms... within any park, boulevard, avenue, street, parkway or driveway of this city under the control or supervision of the Board of Park Commissioners, except upon a permit first duly obtained or authority previously granted by said board, and subject to such rules and regulations as said board may establish.” Constitution, Charter and Revisions of the Ordinances and Municipal Laws of the City of Paducah, 489 (1910)

86. Attached as **Exhibit 69** is an 1911 Colorado Springs, Colorado law that states that “all persons are forbidden... to carry or discharge firearms... in the parks.” The Code of Colorado Springs, 450 (1922)

87. Attached as **Exhibit 70** is an 1912 New York, New York law that mandates that “no person shall, in any park:... Fire or carry any firearm.” Code of Ordinances of the City of New York, 389 (1926)

88. Attached as **Exhibit 71** is an 1912 Oakland, California law that mandates that “no person shall carry firearms... within the boundaries of the parks controlled by the Board of Park Directors.” City of Oakland General Municipal Ordinances, 119 (1918).

89. Attached as **Exhibit 72** is an 1914 Grand Rapids, Michigan law that states that “no person shall carry any rifle, gun, or other fire-arm of any kind within the parks and playgrounds of the City of Grand Rapids.” Compiled Ordinances of the City of Grand Rapids, 208 (1915).

90. Attached as **Exhibit 73** is an 1914 New Haven, Connecticut law that states that

“No person shall carry or have any firearms on any of said parks.” Chapter and Ordinances of the City of New Haven, Conn., 438 (1914).

91. Attached as **Exhibit 74** is an 1917 Joplin, Missouri law that states that “all persons are forbidden... to carry... firearms... in the parks.” The Joplin Code, 552 (1917)

92. Attached as **Exhibit 75** is an 1920 Salt Lake City, Utah law that states that “it shall be unlawful for any person to do... any of the acts hereinafter specified in any public park or play ground in Salt Lake City, or in any place... set aside or used as a public park or play ground, to wit:... 2. To carry... any firearms.” Revised Ordinances of Salt Lake City, Utah, 474 (1920).

93. Attached as **Exhibit 76** is an 1921 Burlington, Vermont law that states that “no person shall carry or have any firearms on any of said parks.” Revised Ordinances of the City of Burlington, 1 (1921).

94. Attached as **Exhibit 77** is an 1922 Chattanooga, Tennessee law that mandates “GENERAL REGULATIONS OF PUBLIC PARKS. ... 516 ... It shall be unlawful to... carry firearms.” Digest of the Charter and Ordinances of the City of Chattanooga, 145 (1922).

95. Attached as **Exhibit 78** is an 1922 Chicago, Illinois law that mandates that “all persons are forbidden to carry firearms... within any of the parks, public playgrounds, or bathing beaches of the city.” Parks, Playgrounds, Beaches, Street Planting, 809 (1922).

Public Transportation

96. Attached as **Exhibit 79** is a 1870 Texas law prohibiting “fire-arms, whether known as a six shooter, gun or pistol of any kind” from being brought to “any election precinct on the day or days of any election, where any portion of the people of this State are collected to vote at any election.” 1870 Tex. Gen. Laws 63.

97. Attached as **Exhibit 80** is a 1776 Delaware law stating “[t]o prevent any violence or force being used at . . . elections, no persons shall come armed to any of them.” Del. Const. Art. 28 (1776).

98. Attached as **Exhibit 81** is a 1787 New York law providing that “[A]ll elections shall be free and that no person by force of arms nor by malice or menacing or otherwise presume to disturb or hinder any citizen of this State to make free election”). 1787 N.Y. Laws 345.

99. Attached as **Exhibit 82** is an 1873 Pennsylvania law banning all deadly weapons within the city limits of the state capital of Harrisburg. 1873 Pa. Laws 735.

100. Attached as **Exhibit 83** is an 1870 Georgia law banning the carrying of firearms “to any court of justice.” 1870 Ga. Laws. 421.

101. Attached as **Exhibit 84** is an 1883 Missouri law banning the carrying of firearms “into any court room during the sitting of court.” 1883 Mo. Laws 76.

102. Attached as **Exhibit 85** is an 1878 Mississippi law banning the carrying of firearms by “any student of any university, college or school” 1878 Miss. Laws 175.

103. Attached as **Exhibit 86** is an 1889 Arizona law banning the carrying of firearms in “any school room, or other place where persons are assembled for . . . educational purposes.” 1889 Ariz. Sess. Laws 17.

104. Attached as **Exhibit 87** is a reprinting of a 1889 Idaho law forbidding any person “to carry . . . any . . . pistol, gun or other deadly weapons, within the limits or confines of any city, town or village or in any public assembly of the State of Idaho.” Idaho Penal Code § 478.

105. Attached as **Exhibit 88** is a 1786 Virginia Law prohibiting the carrying of weapons “in fairs or markets.” 1786 Va. Laws 35.

Dated: Buffalo, New York
November 4, 2022

/s/ Ryan L. Belka
RYAN L. BELKA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRETT CHRISTIAN, FIREARMS POLICY COALITION,
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Plaintiffs,

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STEVEN A. NIGRELLI, in his official capacity as
Superintendent of the New York State Police, and JOHN J.
FLYNN, in his official capacity as District Attorney for the
County of Erie,

Defendants.

No. 22-cv-00695 (JLS)

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2022, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system.

Dated: Buffalo, New York
November 4, 2022

LETITIA JAMES
Attorney General of the State of New York
Attorneys for Defendant Nigrelli

BY:

s/ Ryan L. Belka

RYAN L. BELKA
JAMES M. THOMPSON
Assistant Attorney General,
of Counsel
Main Place Tower, Suite 300A
350 Main Street
Buffalo, New York 14202
(716) 853-8440
Ryan.Belka@ag.ny.gov